

IN THE MATTER OF

United States Patent Application No 09/647098
In the name of **Eimeria Pty Limited** and
the **State of Queensland** through the
Department of Primary Industries, and
the **Rural Industries Research**
and Development Corporation

This is Exhibit **PAS-11** referred to the in the Statutory Declaration of Dr Peter A Stearne made before me.

DATED this 27th day of April 2001.

BEFORE ME:

ROSS M. HEISEY
DAVIES COLLISION CAVE
10, 10 BARRACK STREET, SYDNEY 2000
Registered Patent Attorney within the
meaning of the Patents Act 1990

DAVIES COLLISON CAVE
PATENT & TRADE MARK ATTORNEYS

28 November, 2000

Sughrue Mion Zinn Macpeak & Seas PLLC
2100 Pennsylvania Avenue N.W.
Washington
D.C. 20037-3202
UNITED STATES OF AMERICA

VIA FACSIMILE ONLY

Attention: Gordon Kit
Your Ref: Q-60901
Our Ref: 7110283/PS
Re: The State of Queensland through the Department of AND
Rural Industries Research and Development Corporation AND
Eimeria Pty Limited
United States Patent Application No. 09/647098
"Vaccination modalities"

Dear Gordon,

Thank you for your letter of 20 November 2000 on the above case.

The inventor who has refused to cooperate in signing documents, Dr Norman Stewart, has conveyed this over the telephone to a director/employee of one of the applicants.

The circumstances of this particular case are that I signed the PCT Request form as agent for the applicant, and that Powers of Attorney were sought and filed from the assignees, and from each of the inventors with the exception of Dr Norman Stewart. Dr Stewart's lawyer phoned me and said that Dr Stewart was not going to sign the documents as he had left the employment of the Queensland Department of Primary Industries and would not be involved in assisting in any way his previous employer. His attorney did say that if he was paid a negotiated sum of money then he believed he could persuade Dr Stewart to sign the Power of Attorney form. This in effect amounted to blackmail, as under Australian law the invention was the property of his

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In association with:
Davies Collison Cave Solicitors
Intellectual Property Law

28 November, 2000

employer, that is The State of Queensland Through the Department of Primary Industries.

Dr Stewart has told Mr Anthony Roberts from Eimeria Pty Ltd that he will not sign the US assignment form.

[REDACTED]

I look forward to hearing from you.

Yours sincerely
DAVIES COLLISON CAVE


DR PETER STEARNS